

FACTS AND DOCUMENTARY EVIDENCE

3. As evidence of the date of conception of the invention of this application, the following attached documents and/or models are submitted as evidence:

STATEMENT: I hereby state that conception of the invention in the above-identified patent application was made prior to March 1, 2000, as supported by Exhibit A. Exhibit A, dated October 4, 1998, is an electronic mail disclosure submitted by me, the inventor. I state that the concepts and features described in Exhibit A were conceived by me before October 4, 1998.

EXHIBIT A: copy of an invention disclosure sent by electronic mail on October 4, 1998.

Exhibit A demonstrates that the subject matter of claims 1-5, 7-10 and 12 were in the inventor's possession at least as early as October 4, 1998. As noted in Exhibit A, the concept of the invention was reduced to practice, as evidenced by the discussion of experimental results in Exhibit A.

Regarding claims 1-5, 7, 9-10 and 12, all claim elements are explicitly disclosed in Exhibit A.

The limitations of claim 8 are inherently present in paragraph 1 of Exhibit A. Particularly, the disclosure indicates that a "burst" of oxygen may be used. A "burst" may inherently include starting and stopping a flow of oxygen.

From these Exhibits and statement, it can be seen that the invention claimed in the noted claims was made prior to March 1, 2000.

DILIGENCE

4. It is hereby declared that Applicant acted diligently up to reduction of practice or the filing date of the present patent application.

TIME OF PRESENTATION OF THE DECLARATION

5. This declaration is submitted prior to final rejection, or with a first or supplementary first reply after a final rejection for the purpose of overcoming a new ground of rejection or requirement made by the examiner, in which case the declaration is considered timely and should be considered. See MPEP 715.09(c).

DECLARATION

6. As a person signing below:

I hereby declare that the documents attached hereto disclose the subject matter of currently pending claims 1-5, 7-10 and 12 of the subject patent application. I also declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Declaration of Prior Invention in the United States or in a NAFTA or WTO Member Country to Overcome Cited Patent or Publication...
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